

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
MICHAEL J. JONES JR.,

Plaintiff,

v.

BETH ISRAEL HOSPITAL,

Defendant.

Case No. 17-cv-03445-GHW

**ANSWER FOR BETH ISRAEL  
MEDICAL CENTER S/H/A BETH  
ISRAEL HOSPITAL**

**DEFENDANT DEMANDS  
TRIAL BY JURY**

Defendant BETH ISRAEL MEDICAL CENTER s/h/a BETH ISRAEL HOSPITAL (hereinafter “Hospital”), by its attorneys, AARONSON RAPPAPORT FEINSTEIN & DEUTSCH, LLP, as and for its Answer to Pro Se Plaintiff’s Complaint dated May 2, 2017, respectfully shows to this Court and alleges upon information and belief:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “I A”.
2. Denies the allegations as stated in paragraph “II A” except admit that that plaintiff was treated at Beth Israel Medical Center on March 7, 2017.
3. Denies the allegations as stated in paragraph “II B” except admit that that plaintiff was treated at Beth Israel Medical Center on March 7, 2017.
4. Denies the allegations as stated in paragraph “II C” except admit that that plaintiff was treated at Beth Israel Medical Center on March 7, 2017.
5. Denies the allegations as stated in paragraph “II D” except admit that that plaintiff was treated at Beth Israel Medical Center on March 7, 2017.
6. Denies the allegations in paragraph “III.”

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “IV A” and refer all questions of law to this Honorable Court.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “IV B” and refer all questions of law to this Honorable Court.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “IV C” and refer all questions of law to this Honorable Court.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “IV D” and refer all questions of law to this Honorable Court.

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “IV E. 1.”, “IV E. 2.”, and “IV E. 3.” and refer all questions of law to this Honorable Court.

12. Denies the allegations in paragraph “IV G”.

13. Denies the allegations in paragraph “V.”.

14. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “VI A.” and “VI C.” and refer all questions of law to this Honorable Court.

**AS AND FOR THE FIRST AFFIRMATIVE DEFENSE**

15. The answering defendant asserts those applicable defenses for which provision is made at Public Health Law §2805-d.

**AS AND FOR THE SECOND AFFIRMATIVE DEFENSE**

16. The liability of the answering defendant, if any, is limited pursuant to FRCP Article 16.

**AS AND FOR THE THIRD AFFIRMATIVE DEFENSE**

17. That the plaintiff has been or will be compensated in whole or in part for the damages claimed in the complaint by a collateral source of payment as set forth in FRCP §4545.

**AS AND FOR THE FOURTH AFFIRMATIVE DEFENSE**

18. Plaintiff's right to recover damages, if any, are barred in whole or in part pursuant to the Patient Protection and Affordable Care Act, 26 USCS Section 5000A.

**AS AND FOR THE FIFTH AFFIRMATIVE DEFENSE**

19. This complaint fails to state a valid cause of action.

**AS AND FOR THE THIRD AFFIRMATIVE DEFENSE**

20. That the injuries claimed by plaintiff in the complaint were caused in whole or in part, by the culpable conduct of the plaintiff which either bars the claims completely or else diminishes the damages by the proportion that such culpable conduct of the plaintiff bears to the total culpable conduct causing the injuries.

**AS AND FOR THE EIGHTH AFFIRMATIVE DEFENSE**

21. Plaintiff's complaint should be dismissed because it fails to name all indispensable parties.

**JURY DEMAND**

Defendant BETH ISRAEL MEDICAL CENTER s/h/a BETH ISRAEL HOSPITAL demands a trial by jury as to any claim asserted by Plaintiff.

**WHEREFORE**, defendant, BETH ISRAEL MEDICAL CENTER s/h/a BETH ISRAEL HOSPITAL, demands judgment dismissing the Complaint, together with the costs and disbursements of the within action.

Dated: New York, New York  
May 25, 2018

PETER J. FAZIO /S/  
BY: PETER J. FAZIO (PJF1211))  
AARONSON RAPPAPORT FEINSTEIN &  
DEUTSCH, LLP  
Attorneys for Defendant  
BETH ISRAEL MEDICAL CENTER s/h/a  
BETH ISRAEL HOSPITAL  
600 Third Avenue  
New York, NY 10016  
212-593-6700